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**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH**  
**CENTRAL DIVISION**

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**JIHAD AL-ALI,**

**Plaintiff,**

**vs.**

**SALT LAKE CITY, et al.,**

**Defendants.**

**MEMORANDUM DECISION AND  
ORDER DISMISSING COMPLAINT**

**Case No. 2:09CV1069DAK**

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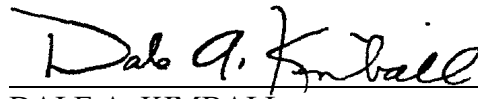
On December 14, 2009, Plaintiff filed a Complaint for Relief from Judgment. Plaintiff seeks to have this court vacate and set aside a criminal judgment entered against him by Salt Lake City. The Complaint states that it is brought pursuant to Rule 60(b) of the Federal Rules of Civil Procedure and that Rule 60(b) gives this court jurisdiction to entertain this case.

Rule 60(b) of the Federal Rules of Civil Procedure “has no applicability to a criminal proceeding.” *United States v. Tripplett*, 166 Fed. Appx. 362, 2006 WL 270247, \* 3 (10<sup>th</sup> Cir. 2006) (citing *United States v. Mosavi*, 138 F.3d 1365, 1366 (11<sup>th</sup> Cir. 1998) (per curiam) (“Rule 60(b) simply does not provide for relief from judgment in a criminal case.”)). Moreover, Rule 60(b) of the Federal Rules of Civil Procedure does not provide this court with jurisdiction over the case. After reviewing Plaintiff’s allegations, there is no basis for federal jurisdiction over this matter. Plaintiff must obtain relief from judgment within the state court system in which his judgment was entered.

Accordingly, Plaintiff has failed to state jurisdiction and the court dismisses Plaintiff's Complaint. Plaintiff's pending Motion to Disqualify Counsel is MOOT. The Clerk of Court is directed to close the case.

DATED this 6<sup>th</sup> day of January, 2010.

BY THE COURT:

A handwritten signature in black ink, reading "Dale A. Kimball", written over a horizontal line.

DALE A. KIMBALL  
United States District Judge